

REMARKS

The Applicant expresses appreciation for the courtesies extended by Examiner Sean E. Aeder to Applicant's representative, Lars Genieser, during the interview at the USPTO in Alexandria, Virginia on April 21, 2011 (herein, "Examiner Interview", summarized in the Examiner's Interview Summary mailed April 26, 2011) and in a subsequent telephonic interview on April 28, 2011.

Applicant appreciates the Office Action indicating on page 2 that all previous rejections have been withdrawn. Applicant understands from page 5 of the Office Action that claims 23 and 27 are only objected to as being dependent upon a rejected claim, and are otherwise allowable.

Claims 1, 5-10, and 16-28 are pending. Claims 6, 8, 10, and 16-19 are withdrawn. Claims 2-5, 7, 9, 11-15, and 28 are canceled. Claims 1, 20, 22, 24, and 26-27 are amended. Support for amended claims 1, 20, 22, 24, and 26-27 is found, for example, in paragraphs [00011], [00017], [00047], and [00064] of the specification as filed. Applicant respectfully requests reconsideration in light of the amendments above and the remarks that follow.

On pages 2-4, the Office Action rejects claims 1, 20-22, and 24-26 under 35 U.S.C. § 102(b) as anticipated by Burnstein et al. (Molecular and Cellular Endocrinology, v.115 (1995) pp. 177-186) (herein, "Burnstein"). Applicant respectfully traverses for the following reasons.

Amended claim 1 requires that "said mammalian prostate cancer cell has been selected as stably expressing an exogenous wild type androgen receptor polynucleotide." Applicant notes that amended claim 1 does not require that a selection step be performed as part of the claimed method. Rather, amended claim 1 indicates that in "contacting said compound to be tested with said mammalian prostate cancer cell", the cell has been selected as stably expressing an exogenous wild type androgen receptor polynucleotide. One carrying out a method can fall within the scope of claim 1 without performing any step of selecting a mammalian prostate cancer cell as stably expressing an exogenous wild type androgen receptor polynucleotide. For example, one who purchases a mammalian prostate cancer cell that has been selected as stably expressing an exogenous wild type androgen receptor polynucleotide, without performing the

selection step him or herself, and then carries out the method set forth in claim 1, will fall within the scope of claim 1.

As discussed during the Examiner Interview on April 21, 2011, Burnstein does not disclose the use of a cell that has been selected as stably expressing an exogenous wild type androgen receptor polynucleotide, and describes no selection of cells exhibiting stable expression. Rather, Burnstein states in the right-hand column on page 179 that the "cell lines ... were transiently expressing the AR cDNA." Because Burnstein does not disclose all limitations of claim 1, claim 1 is not anticipated by Burnstein. Therefore, Applicant respectfully requests that the rejection be withdrawn, and that claim 1 and claims 20-22 and 24-26 dependent therefrom be found patentable.

On page 4, the Office Action rejects claims 5, 7, 9, and 28 under 35 U.S.C. § 102(b) as anticipated by Zajchowski et al. (Cancer Research, v.53 (1993) pp. 5004-5011) (herein, "Zajchowski"). Applicant respectfully traverses for the following reason.

Claims 5, 7, 9, and 28 have been canceled, so that their rejection is rendered moot. Therefore, Applicant respectfully requests that the rejection be withdrawn.

The grant of a 2-month Extension of Time is respectfully requested, and the Commissioner for Patents is authorized to charge the fee of \$245 due for a small entity to Deposit Account Number 22-0261, under Order Number 58086-232451. If any additional fee or any refund is deemed due, for this filing and any filing made hereafter by this firm for this Application, the Commissioner for Patents is authorized to charge the fee or credit the refund to Deposit Account Number 22-0261, under Order Number 58086-232451.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided. Applicant respectfully requests that a Notice of Allowance of all pending claims not withdrawn, claims 1 and 20-27, be timely issued in this case.

Respectfully submitted,

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